IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30174 of 2007(P)

PETITIONER:

A.J.THOMAS, S/O.JOSEPH, AREECKAL HOUSE,
TANK ROAD, ANGAMALY PO.

BY ADV. SRI.WILSON URMESE
SRI.M.C.ANTONY

RESPONDENTS:

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1. VASANTHA, W/O.SURENDRAN, CHACKAMVELIL HOUSE,
TANK ROAD, ANGAMALY P.O.

2. THE SECRETARY, ANGAMALY MUNICIPALITY,
ANGAMALY.

R2 BY BY ADV.SRI.V.M.KURIAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.30174 OF 2007

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DATED THIS THE 11TH OCTOBER, 2007

J U D G M E N T

Mr.V.M.Kurian takes notice on behalf of the Municipality.

2. I do not propose to go into the merits of the matter or examine the genuineness of the grievance voiced. The grievance voiced is that in spite of Ext.P4 judgment of this Court by which the Municipality had been directed to pass final orders on the permit application submitted by the 1st respondent, after hearing the petitioner also, the 1st respondent is carrying out certain illegal constructions. The 2nd respondent is not taking any action even as the illegal constructions are being continued by the 1st respondent. Ext.P6 complaint has been submitted by the petitioner before the 2nd respondent. The 2nd respondent will take up Ext.P6 immediately, conduct an immediate local inspection, issue notice to the petitioner as well as the 1st respondent and take an early decision on Ext.P6. Decision as directed above will be taken in any event within three weeks of receiving copy of this judgment. If in the local inspection it is revealed that the constructions undertaken by the 1st respondent are in violation of the Building Rules as alleged by the petitioner, the Municipality shall not hesitate to issue stop memos so as to prevent

the continuance of illegal constructions. The 1st respondent is informed that the constructions which are being undertaken by her are at her risk and subject to the decision which the Municipality will take on Ext.P6 as well as the decision to be taken by the Municipality pursuant to the earlier judgment of this Court.

The Writ Petition is disposed of as above.

(PIUS C.KU RIAKOSE, JUDGE)

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